

**BILL NO. 94-52
AS AMENDED**

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

BILL NO. 94-52, As Amended

Introduced by Council President Wilson at the request of the County Executive

Legislative Day No. 94-19

Date: June 14, 1994

AN ORDINANCE approving and providing for a multi-year Installment Purchase Agreement by Harford County, Maryland to acquire development rights in up to 166 acres of agricultural land located at 3254 Old York Road in White Hall, Maryland from Charles F. Wiley and Carlie R. Wiley, his wife, or any other owner thereof for a maximum purchase price of \$2,072.48 per acre or portion thereof (excluding one acre for any existing residential dwelling); providing that the County's obligation to pay such purchase price and interest thereon shall be a full faith and credit general obligation of the County; providing for the levying of taxes for such payments; authorizing the County Executive to make modifications in such Agreement under certain circumstances; and providing for and determining various matters in connection therewith.

By the Council, June 14, 1994

Introduced, read first time, ordered posted and public hearing scheduled

on: July 5, 1994

at: 6:30 p.m.

By Order: James D. Vannoy, Acting Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on July 5, 1994, and concluded on July 5, 1994.

James D. Vannoy, Acting Secretary

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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RECITALS

In accordance with the provisions of Section 524 of the Charter of Harford County (the "Charter"), the Annual Budget and Appropriation Ordinance of Harford County, Maryland (the "County") the Budget for fiscal year 1995, Bill No. 94-20 As Amended (the "Budget Ordinance") includes a project permitting the County to enter into installment purchase agreements to acquire development rights in agricultural lands located within the County, which Budget Ordinance was adopted by the County Council of Harford County, Maryland (the "County Council") as part of the Budget Ordinance, in accordance with the Charter.

Section 520 of the Charter provides that "any contract, lease or other obligation in excess of three thousand dollars (\$3,000) requiring the payment of funds from the appropriations of a later fiscal year shall be authorized by legislative act, and Section 524 of the Charter provides that the County may enter into installment contracts to purchase easements for agricultural land preservation purposes and pursuant to Bill No. 93-2 passed by the County Council on April 6, 1993, approved by the County Executive of the County on April 20, 1993, and effective on June 21, 1993 (the "Authorizing Act"), the County has been authorized and empowered to enter into such installment purchase agreements.

The Authorizing Act provides that after review by the Harford County Agricultural Advisory Board in accordance with the County's

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1 Easement Priority Ranking System and approval by the Harford County
2 Board of Estimates, the County Council, may approve and provide for
3 the acquisition of the development rights in each particular parcel
4 of agricultural land, as defined in the Authorizing Act.

5 Attached to this Ordinance as Exhibit A are records of The
6 Harford County Agricultural Advisory Board evaluating all
7 applications to offer development right easements to the County,
8 with each application ranked pursuant to the County's easement
9 priority ranking system.

10 The County has now determined to enter into an Installment
11 Purchase Agreement with Charles F. Wiley and Carlie R. Wiley, his
12 wife, or any other person who is or becomes the owner of all or any
13 portion of the Land (hereinafter defined) prior to execution and
14 delivery of such Agreement, in order to acquire the development
15 rights in approximately 166 acres, more or less, of agricultural
16 land located at 3254 Old York Road in White Hall, Maryland within
17 the County for an aggregate purchase price not in excess of
18 \$344,031.68, plus interest thereon, the actual amount of the
19 purchase price to be equal to the lesser of such maximum amount or
20 \$2,072.48 times the number of acres in such land (minus one acre
21 for any existing residential dwelling located thereon), upon the
22 terms and conditions hereinafter set forth.

23 NOW, THEREFORE:

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1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF HARFORD
2 COUNTY, MARYLAND, That

3 (a) Harford County, Maryland (the "County") shall enter
4 into an Installment Purchase Agreement (the "Installment Purchase
5 Agreement") with Charles F. Wiley and Carlie R. Wiley, his wife,
6 and or any person who is or becomes the owner of all or any portion
7 of the Land (hereinafter defined) prior to the execution and
8 delivery of the Installment Purchase Agreement (the "Seller") in
9 order to acquire the development rights in approximately 166 acres
10 of land, more or less, located at 3254 Old York Road in White Hall,
11 Maryland within the County (the "Land"), for an aggregate purchase
12 price not in excess of \$344,031.68 (the "Purchase Price"), plus
13 interest thereon as hereinafter provided; provided that the actual
14 amount of the Purchase Price shall be equal to the lesser of such
15 maximum amount or \$2,072.48 multiplied by the number of acres in
16 the Land (minus one acre for any existing residential dwelling
17 located thereon);

18 (b) The Installment Purchase Agreement shall be in
19 substantially the form attached hereto as Exhibit B and made a part
20 hereof, and in such form the Installment Purchase Agreement is
21 hereby approved as to form and content. The Installment Purchase
22 Agreement shall be dated as of the date of its execution and
23 delivery by the County and the Seller (the "Closing Date");

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1 (c) A portion of the Purchase Price, in the amount
2 determined as hereinafter provided, shall be paid in cash on the
3 Closing Date. The balance of the Purchase Price shall be paid to
4 the Seller in each year thereafter to and including a date not more
5 than twenty (20) years after the Closing Date. The dates on which
6 each such installment is payable shall be determined by the County
7 Executive and the Treasurer and shall be inserted in the form of
8 the Installment Purchase Agreement attached hereto as Exhibit B;

9 (d) Interest on the unpaid balance of the Purchase Price
10 shall accrue from the Closing Date and shall be payable at least
11 annually in each year, commencing on the first of such dates to
12 follow the Closing Date and continuing to and including a date not
13 more than 20 years after the Closing Date at an interest rate equal
14 to the yield on U.S. Treasury STRIPS maturing on ~~August 15, 2015~~
15 the date next preceding the final maturity date in the Installment
16 Purchase Agreement determined as of the business day preceding the
17 Closing Date and rounded to the next highest 0.05% per annum.
18 Interest shall be calculated on the basis of a 360-day year of
19 twelve 30-day months;

20 (e) The County's obligation to make payments of the
21 Purchase Price under the Installment Purchase Agreement and to pay
22 interest thereon is and shall be a general obligation of the County
23 and is and shall be made upon its full faith and credit.

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1 SECTION 2. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
2 HARFORD COUNTY, MARYLAND,

3 That it is hereby found and determined that:

4 (a) The acquisition of the development rights in the
5 Land as set forth in Section 1 of this Ordinance and in the form of
6 the Installment Purchase Agreement attached hereto as Exhibit B is
7 in the best interests of the County;

8 (b) The Installment Purchase Agreement is a contract
9 providing for the payment of funds at a time beyond the fiscal year
10 in which it is made and requires the payment of funds from
11 appropriations of later fiscal years;

12 (c) Funds for the payment of the Purchase Price under
13 the Installment Purchase Agreement are included in the Budget
14 Ordinance, As Amended;

15 (d) The County shall acquire the development rights in
16 the Land in perpetuity;

17 (e) The Purchase Price is within the legal limitation on
18 the indebtedness of the County as set forth in Article 25A, § 5(P)
19 of the Annotated Code of Maryland;

20 (f) The cost of acquiring the development rights in the
21 Land is equal to the Purchase Price;

22 (g) The only practical way to acquire the development
23 rights in the Land is by private negotiated agreement between the
24 County and the Seller.

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1 SECTION 3. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
2 HARFORD COUNTY, MARYLAND, That the Installment Purchase Agreement
3 shall be signed by the County Executive of the County (the "County
4 Executive") by her manual signature, and the Installment Purchase
5 Agreement shall bear the corporate seal of the County, attested by
6 the manual signature of the Director of Administration of the
7 County (the "Director of Administration"). In the event that any
8 officer whose signature shall appear on the Installment Purchase
9 Agreement shall cease to be such officer before the delivery of the
10 Installment Purchase Agreement, such signature shall nevertheless
11 be valid and sufficient for all purposes, the same as if such
12 officer had remained in office until delivery.

13 SECTION 4. AND BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
14 HARFORD COUNTY, MARYLAND, That the County Executive and the
15 Treasurer are hereby authorized, prior to execution and delivery of
16 the Installment Purchase Agreement, to make such changes or
17 modifications in the form of the Installment Purchase Agreement
18 attached hereto as Exhibit B as may be required or deemed
19 appropriate by them in order to accomplish the purpose of the
20 transactions (including, but not limited to, determining the
21 portion of the Purchase Price to be paid in cash on the Closing
22 Date and establishment of interest and principal payment dates in
23 each year that the Installment Purchase Agreement is outstanding)
24 authorized by this Ordinance; provided that such changes shall be

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1 within the scope of the transactions authorized by this Ordinance
2 and the execution of the Installment Purchase Agreement by the
3 County Executive shall be conclusive evidence of the approval by
4 the County Executive of all changes or modifications in the form of
5 the Installment Purchase Agreement and shall thereupon become
6 binding upon the County in accordance with its terms, as authorized
7 by Section 524 of the Charter and the Authorizing Act
8 (collectively, the "Enabling Legislation"), and as provided for in
9 this Ordinance.

10 SECTION 5. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
11 HARFORD COUNTY, MARYLAND, That the County Executive, the Director
12 of Administration, the Treasurer of the County and other officials
13 of the County are hereby authorized and empowered to do all such
14 acts and things and to execute, acknowledge, seal and deliver such
15 documents (including a Tax Certificate and Compliance Agreement)
16 and certificates as the County Executive may determine to be
17 necessary to carry out and comply with the provisions of this
18 Ordinance subject to the limitations set forth in the Enabling
19 Legislation and any limitations set forth in this Ordinance.

20 SECTION 6. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
21 HARFORD COUNTY, MARYLAND, That the Treasurer of the County is
22 hereby designated and appointed as registrar and paying agent for
23 the Installment Purchase Agreement (the "Registrar"). The
24 Registrar shall maintain, or cause to be maintained, books of the

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1 County for the registration and transfer of ownership of the
2 Installment Purchase Agreement. In addition, the County may, from
3 time to time, designate and appoint the Department of the Treasury
4 of the County, any officer or employee of the County or one or more
5 banks, trust companies, corporations or other financial
6 institutions to act as a substitute or alternate registrar or
7 paying agent for the Installment Purchase Agreement, and any such
8 substitute or alternate shall be deemed to be the Registrar or an
9 alternate Registrar for all purposes specified in the resolution
10 appointing such substitute or alternate. Any such appointment
11 shall be made by the County Council by resolution and the exercise
12 of such power of appointment, no matter how often, shall not be an
13 exhaustion thereof.

14 SECTION 7. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
15 HARFORD COUNTY, MARYLAND, That for the purpose of paying the
16 installments of the Purchase Price when due and payable and the
17 interest on the unpaid portion of the Purchase Price when due and
18 payable, there is hereby levied, and there shall hereafter be
19 levied in each fiscal year that any portion of the Purchase Price
20 payable under the Installment Purchase Agreement remains
21 outstanding, *ad valorem* taxes on real and tangible personal
22 property and intangible property subject to taxation by the County,
23 without limitation of rate or amount, and, in addition, upon such
24 other intangible property as may be subject to taxation by the

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1 County within limitations prescribed by law, in an amount
2 sufficient, together with the portion of the transfer tax imposed
3 on transfers of real property in Harford County which is dedicated
4 to agricultural land preservation and other available funds, to pay
5 any installment of the Purchase Price under the Installment
6 Purchase Agreement maturing during the succeeding year and to pay
7 the annual interest on the outstanding balance of the Purchase
8 Price until all of the Purchase Price under the Installment
9 Purchase Agreement and such interest have been paid in full; and
10 the full faith and credit and the unlimited taxing power of the
11 County are hereby irrevocably pledged to the punctual payment of
12 the Purchase Price under the Installment Purchase Agreement and the
13 interest on the unpaid balance of the Purchase Price as and when
14 the same respectively become due and payable.

15 SECTION 8. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
16 HARFORD COUNTY, MARYLAND, That this Ordinance shall take effect
17 sixty (60) calendar days after it becomes law.

EFFECTIVE: September 13, 1994

AG-95\Wiley.A0r
7/7/94 dp (1)

**BILL NO. 94-52
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HARFORD COUNTY BILL NO. 94-52 (as amended)

(Brief Title) Ag. Land Preservation-Charles Wiley

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

James D. Vannoy
Acting Secretary
of the Council

James D. Vannoy
President of the Council

Date July 7, 1994

Date July 7, 1994

BY THE COUNCIL

Read the third time.

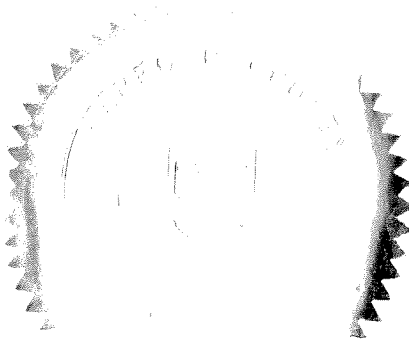
Passed: LSD 94-21 (July 7, 1994)

Failed of Passage: _____

By Order

James D. Vannoy
Acting Secretary

Sealed with the County Seal and presented to the County Executive for approval this 11th day of July, 1994 at 3:00 p. m.



James D. Vannoy
Acting Secretary

BY THE EXECUTIVE

Charles M. Redmann
COUNTY EXECUTIVE

APPROVED: Date July 12, 1994

BY THE COUNCIL

This Bill (No. 94-52, as amended), having been approved by the Executive and returned to the Council, becomes law on July 12, 1994.

James D. Vannoy
Acting Secretary

EFFECTIVE DATE: September 13, 1994